## Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of	)	
SUBCARRIER COMMUNICATIONS, INC. ASR # 1065048 Federalsburg, MD	)	File No. EB-04-CF-025
	)	NOV No. V20043234004
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## NOTICE OF VIOLATION

Released: February 6, 2004

By the Enforcement Bureau: Columbia Office

- 1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules, to SUBCARRIER COMMUNICATIONS, INC..
- 2. On January 30, 2004, an agent of the Commission's Columbia Office inspected the antenna structure, ASR 1065048 in Federalsburg, Maryland and observed the following violation:
- 47 C.F.R. § 17.50: Antenna structures requiring painting shall be cleaned or repainted as often as necessary to maintain good visibility. The paint on the tower is faded.
- 3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, SUBCARRIER COMMUNICATIONS, INC. must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the company with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

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<sup>&</sup>lt;sup>1</sup> 47 C.F.R. § 1.89.

<sup>&</sup>lt;sup>2</sup> 47 U.S.C. § 308(b).

Federal Communications Commission Columbia Office 9200 Farm House Lane Columbia, Md 21046

- 4. This Notice shall be sent to SUBCARRIER COMMUNICATIONS, INC. 139 White Oak Ln., Old Bridge, NJ 08857.
- 5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Charles C. Magin District Director, Columbia Office

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<sup>&</sup>lt;sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>&</sup>lt;sup>4</sup> 18 U.S.C. § 1001 et seq.